2. Notwithstanding paragraph 1, nothing in this Article shall be construed to prevent a Party from adopting or maintaining measures affecting the use or location of computing facilities necessary to achieve a legitimate public policy objective, provided that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade.

Article 9.11
Source Code

1. Neither Party shall require the transfer of, or access to, source code of software owned by a person of the other Party, as a condition of the import, distribution, sale or use of such software, or of products containing such software, in its Area.

2. For the purposes of this Article, software subject to paragraph 1 is limited to mass-market software or products containing such software, and does not include software used for critical infrastructure.

Article 9.12
Cooperation

1. The Parties shall, where appropriate, cooperate bilaterally and participate actively in regional and multilateral fora to promote the development of electronic commerce.

2. The Parties shall, where appropriate, share information and experiences, including on related laws, regulations and best practices with respect to electronic commerce, related to, *inter alia*, consumer confidence, cyber-security, combatting unsolicited commercial e-mail, intellectual property, electronic government and personal data protection.

3. The Parties shall cooperate to overcome obstacles encountered by small and medium enterprises in the use of electronic commerce.

4. Each Party shall encourage, through existing means available to it, the activities of non-profit organizations in that Party aimed at promoting electronic commerce, including the exchange of information and views.

5. The Parties recognize the importance of working to maintain cross-border flows of information as an essential element for a vibrant electronic commerce environment.

6. The Parties recognize the importance of further enhancement of trade in digital products.

Article 9.13
Sub-Committee on Electronic Commerce

1. For the purposes of the effective implementation and operation of this Chapter, the Parties hereby establish a Sub-Committee on Electronic Commerce (hereinafter referred to in this Article as "the Sub-Committee").

2. The functions of the Sub-Committee shall be:

(a) reviewing and monitoring the implementation and operation of this Chapter;

(b) discussing any issues related to this Chapter including, where appropriate, the possible review of Article 9.4;

(c) seeking new opportunities to further enhance trade in digital products;

(d) reporting the findings of the Sub-Committee to the Joint Committee; and

(e) carrying out other functions as may be delegated by the Joint Committee.

3. The Sub-Committee shall be composed of representatives of the Governments of the Parties.

4. The Sub-Committee shall hold meetings at such times and venues or by means, as may be agreed by the Parties.